

## PATENT COOPERATION TREATY



**Translation**

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACDPA5151PWO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002693	International filing date (day/month/year) 07 August 2003 (07.08.2003)	Priority date (day/month/year) 16 August 2002 (16.08.2002)
International Patent Classification (IPC) or national classification and IPC G06F 17/60		
Applicant DEUTSCHE POST AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>11</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>5</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 11 March 2004 (11.03.2004)	Date of completion of this report 22 November 2004 (22.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_, 1,2,4-20 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, 3,3a,3b \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 14 September 2004 (14.09.2004)
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, 1-7 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 12 November 2004 (12.11.2004)
- ☒ the drawings:  
pages \_\_\_\_\_, 1/20-20/20 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 5-7

because:

☐ the said international application, or the said claims Nos. \_\_\_\_\_  
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 5-7  
are so unclear that no meaningful opinion could be formed (*specify*):

See supplemental sheet.

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported  
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. \_\_\_\_\_

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: BOXES I and III.1

BOX I

Basis of the report

1. Prior art

This report makes reference to the following documents (D1-D5):

- D1: FAERBER, GEORG: "Prozessrechentechnik, Kapitel 2" 1979, SPRINGER VERLAG, BERLIN, HEIDELBERG, NEW YORK, XP002269579
- D2: US-A-5 051 914 (SCHUMACHER KARL H ET AL) 24 September 1991 (1991-09-24)
- D3: US-A-5 068 797 (SCHUMACHER KARL H ET AL) 26 November 1991 (1991-11-26)
- D4: US-A-5 072 401 (SCHUMACHER KARL H ET AL) 10 December 1991 (1991-12-10)
- D5: WO 96/20952 A (LUCAS RICHARD BRENT; EII KONSULTER (SE)) 11 July 1996 (1996-07-11)

BOX III.1

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

2. Clarity

Claim 5 is not clear. For further explanations, see Box VII, points 6.3 and 6.4 of this international preliminary examination report. It is therefore not possible to examine this claim and its dependent claims, claims 6 and 7.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1 - 7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1 - 7	NO
Industrial applicability (IA)	Claims	1 - 7	YES
	Claims		NO

## 2. Citations and explanations

## 3. Novelty

## 3.1 Professional knowledge

Document D1 is a handbook; its contents are considered known to a person skilled in the art. D1 discloses:

a computer system comprising a processor and external events: "processes on the processing side (...) require a reaction from the processor. The process triggers a warning at the processor, enabling it to react as required by the situation." (D1, page 19, lines 28-32).

Moreover, D1 discloses that the events are specific and that the warning triggered by these events is also "subjected at first to a warning analysis in order to identify a warning among a plurality of warnings" (D1, page 20, lines 1-3).

D1 also states that the processor develops control data "which are output during the next step as a reaction of the processor to the process warning."

(D1, page 20, lines 5-7)

D1 also discloses that the "processor normally (processes) a plurality of processes simultaneously" (page 21, last paragraph, first line).

D1 depicts in figure 5, in particular, a closed system comprising data acquisition, the processing of control instructions and control operations. The controlled machine is an NC machine, but D1 explicitly presents it only as an example.

Consequently, D1 discloses a process for transmitting data for example between an NC machine and a central data processing unit (processor) in order to operate one or more NC machines, events occurring at the machine being determined by means of a communication system (measurement sensor and coupling electronics) of the NC machine and being associated by the communication system with function invocations which are transmitted to the data processing unit, which carries out the functions which correspond to the events and if necessary sends data back to the communication system.

3.2 The differences between claim 1 and the disclosure of D1 are:

- U1) the known system is used with a parcel mailbox installation, rather than with an NC machine;
- U2) the function invocations are combined into a request which is then transmitted to the central data processing unit; and
- U3) the functions are carried out depending on the transport or delivery company or user

concerned by the event in question.

3.3 In view of these differences, the subject matter of claim 1 is unknown from the prior art and hence novel (PCT Article 33(2)).

3.4 The same reasoned statement applies to all the claims that are dependent on claim 1.

#### 4. Inventive step

The combination of features U1-U3 does not have an additional or surprising effect; the application thus does not concern a combination invention. It is therefore possible to consider the three differences individually when assessing inventive step.

The plausible technical problems

4.1 The following first plausible technical problem can be deduced from difference U1:

P1: the use of the known system for transmitting data between a parcel mailbox installation and a central data processing unit.

However, D1 discloses on page 19, lines 16-20, that "all subjects discussed in this book, (...) should not only be considered in relationship with large computer systems, but also as methods which in the future will increasingly constitute important design aids in all technical fields."

A person skilled in the art would therefore apply the known technology to a parcel mailbox

installation system having a central data processing unit and would thus solve the problem P1. The difference U1 therefore cannot substantiate an inventive step.

- 4.2 The following plausible technical problem can be derived from difference U2:

P2: "how to transmit electronic messages efficiently over a network"

Document D4, entitled "Optimizing Mail Delivery Systems By Logistic Planning", would be considered by a person skilled in the art seeking for solutions to the problem P2, and already discloses in its abstract that messages or mail can be combined into "batches" in order to increase handling efficiency. Figure 5 of D4 shows that these messages can also be e-mail messages, i.e. electronic digital data transmission processed in batches.

A person skilled in the art would therefore solve the problem P2 by applying the teaching of document D4. The difference U2 thus cannot substantiate an inventive step either.

- 4.3 The claimed feature that the function is carried out depending on a transport or delivery company or user concerned by the event cannot substantiate an inventive step. Since the description of the application always represents the function invocations as function names with parameters, the "transport or delivery company" and the "user" are only two possible parameters. The application does not specify anywhere how these data and their



processing influence the claimed communication process. They are cognitive data (by contrast with functional data) which, according to the decision T1194/97, "Philips", of the Chamber of Appeal of the European Patent Office, should not be considered a technical feature. Consequently, this type of data cannot substantiate an inventive step (according to the decision T0641/00, "Comvik"). Nor can a technical problem be derived from this difference. In conclusion:

P3: (no problem).

Where there is no problem no inventive step is required to solve a problem.

- 4.4 None of the differences or their combination substantiates an inventive step. All the problems would be solved by a person skilled in the art who would thus arrive at the claimed subject matter. The totality of the claim therefore also fails to involve an inventive step (PCT Article 33(3)).

4.5 Further claims

The fetching or depositing of mail and the determination of whether a time limit has elapsed are not technical features in the field of communications (which is the only field claimed): transmitted information represents only cognitive data which cannot substantiate an inventive step (cf. point 4.4 above). Claims 2 and 3 therefore do not involve an inventive step (PCT Article 33(3)).

Providing a data packet with an unequivocal

identification is an absolutely normal procedure in communication protocols. This was also the case before the priority date. Claim 4 therefore also fails to involve an inventive step (PCT Article 33(3)).

5. Industrial applicability

The invention is industrially applicable.

BOX VII

Certain defects in the international application

6. Clarity (PCT Article 6)

- 6.1 The additional subjects of claims 2 and 3 are mutually exclusive. Claim 3 therefore cannot refer back to claim 2; claim 3 can refer back only to claim 1.

For the same reason, none of the following claims can refer back to a plurality of preceding claims; they can refer back to precisely one preceding claim only (cf. claims 4 and 6).

- 6.2 Claims 2 and 3 relate to events at a parcel mailbox installation. This suggests that there are a plurality of parcel mailbox installations which would all fall under the wording of claims 2 and 3.

Both claims refer back to claim 1, which describes a plurality of parcel mailbox installations, but only one of them (or rather the communication with only one of them) falls under the scope of protection of claim 1. The use of the term "a parcel mailbox

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installation" in claims 2 and 3 thus broadens the subject matter and no longer makes clear what is covered by the scope of protection of claims 2 and 3.

6.3 Claim 5 refers back to itself. This is inadmissible.

6.4 Claim 5 introduces the terms "from the sending component" and "to the receiving component", using the definite article "the", as if the terms were already known. However, this is not the case, and therefore the claim does not clearly define what is meant by these new terms.

For the same reason, claims 6 and 7, which refer back to this unclear claim 5, are also unclear and inadmissible.

6.5 It is not clear in claim 6 how a status code confirms a function invocation or what is the meaning of such a confirmation. Maybe it would be better if the characterising part of claim 6 were reworded as follows: "components **acknowledged by sending back a status code**".

6.6 It might also have been better if the characterising part of claim 7 were reworded as follows: "within a **predetermined time period**".

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